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The Office of the Attorney General for the District of Columbia

October/November
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A Message from the Attorney General

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Colleagues -

Over the past month, much attention has been brought to the District's drunken driving laws. In fact, our office has received considerable attention over the drunken driving cases prosecuted at OAG. It is yet

another example of the close intersection of the executive, legislative and judicial branches on matters of public safety.

Two weeks the Council passed temporary and emergency legislation in response to public outcry over the city's laws related to operating a vehicle after consuming alcohol. I testified before the Council about the resulting public discourse being largely based on a fundamental misunderstanding of the law, as well as a number of inaccuracies in the stories that appeared in the media. The emergency legislation passed by the Council on October 17th states that for purposes of proving our

cases in court, anyone with a blood alcohol level of .05 percent or less is not presumed to be under the influence of alcohol, and those with a blood alcohol level above .05 percent, but less than .08 percent, are presumed to be neither drunk nor sober.

The proposed permanent law would in many ways mirror the temporary legislation. OAG's Legal Counsel Division is reviewing the law for legal sufficiency. However, the primary concern is for the safety and wellbeing of those who travel the District's roads. The city must not be lax on impaired or intoxicated drivers.

The recent debate is a very practical, yet stern reminder as we head into another holiday season — a time for family and celebration. Remind those you love that it is a life or death decision to drive while under the influence of drugs of alcohol.

— Robert J. Spagnoletti



"We must all do more to save lives in our area," said Attorney General Spagnoletti.

"There were 34 alcohol-related traffic fatalities last year in Washington, D.C., and 6 of these deaths were among youth under 21. One death is one too many. We must do more to keep the teens of the District safe and alcohol-free. "

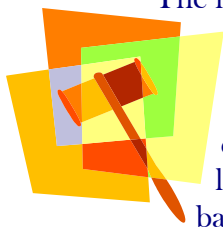


AG Spagnoletti speaking to students at Duke Ellington School for the Arts



October 12, 2005

Cases and Legislation



The hard work of the attorneys in the Public Safety Division means more affordable housing in the District after a key win in a condo conversion challenge. Tenants living in the Embassy Apartments at 1613 Harvard Street, N.W. were being forced out of their rent controlled apartments by an owner/developer who wanted to avoid current District law governing the process of converting a rental property to a condominium, and instead sought to redevelop the property under a 1981 conversion law that provided fewer rights to the tenants. The Court found that the property owner failed to properly convert the property over 20 years ago when they registered the property as a condo, and was prevented from seeking to complete the conversion under the 1981 law more than 20 years later. The case represents a victory for tenants' rights, and could not have been won without the great work of **Assistant Attorney General Joel Armstrong, Civil Enforcement Section Chief Brenda Walls, and Senior Assistant Attorney General Maureen Zaniel**. OAG also intervened in some 30 Landlord and Tenant cases to prevent the landlord from evicting residents of the Embassy Apartments.



AAG's **Shana Frost** and **Mike Miller** won one for the city in *Carol Washington v. the District of Columbia*. The Plaintiff claimed a former Metropolitan Police Officer caused a traffic accident. Ms. Frost, Mr. Miller and counsel for the officer presented evidence that the plaintiff was actually driving on the wrong side of the road. The defense did such a good job that the jury ruled in favor of the District and awarded the police officer the \$5,000.00 she sought in a counterclaim!



Notables



The number of domestic violence victims coming to Domestic Violence Intake Centers has been on a steady rise. More than 13-hundred people sought assistance in the last quarter of Fiscal Year 2005 alone. The number represents a 7% percent increase over the same time last year. AAG's are working to meet the demand for services, and are offering assistance to more victims in each of the Domestic Violence Section's priority groups: non-English speakers, elderly, victims of sexual assault and stalking, and victims whose protection orders have been violated.

Intake Centers:

**DC Superior Court,
Room 4242, Monday – Friday
from 8:30 a.m. to 5:00 p.m.**

**Greater Southeast Hospital, Med.
Srvcs. Bldg.
Monday—Friday from 8:30 a.m.
to 3:30 p.m.**

OAG Makes A Difference

The Domestic Violence Section (DVS) stands out among Offices of Attorneys General across the country. DVS is relatively unique in that the section's five attorneys provide direct legal representation to survivors of domestic violence. AAG's help victims to obtain and enforce civil protection orders. OAG also partners with seven other governmental and non-governmental agencies in staffing the District's two Domestic Violence Intake Centers at D.C. Superior Court and at Greater Southeast Hospital.

There's still much ado about baseball. The city has filed suit in D.C. Superior Court to take possession of the land that is to be the site of the new baseball stadium in Southeast D.C. The city is asserting its eminent domain powers, and is offering millions of dollars to property owners to compensate them for their land. While we expect some "hard ball" in Superior Court, so far we have hit home runs in the two early challenges to our authority to proceed — one each in U.S. District Court and Superior Court — thanks to some nice teamwork between Commercial and Civil Divisions. Senior Assistant Attorney General Dan Rezneck successfully argued both motions.



Terrell JHS Partnership



The OAG Saturday Academy is a BIG hit with the kids at Terrell Junior High School.

The Academy kicked off in October. OAG volunteers have been spending Saturday mornings staffing OAG's Saturday Academy. Each session includes an hour and a half of math or language computer games, followed by a fun and educational activity. Throughout the sessions, the students are

given opportunities to compete for prizes.

The Saturday Academy is catching on with the kids — students who are participating are telling their friends, and more kids are signing up every week! In fact, students are so excited to attend, that many are showing up well before the 9:00 a.m. start time!

More kids, means more volunteers are needed. **PLEASE CONSIDER GETTING INVOLVED!** If you can spare a Saturday or two

out of a month, give Joel Armstrong, Carolyn Carter, Angela Harvey, or Cheryl Ziegler a call.

Donations of new items and/or gift certificates are also needed to be used as prizes. Cash is needed to help defray the cost of supplies and food. (All donations are tax deductible as charitable donations)



Phyllis McKeiver (CSSD) assisting a student in the Academy



Angela Harvey, Section Chief, CSSD/Paternity and Community Outreach was honored in September with the Founders Award. The award was given by Safe Shores, The D.C. Children's Advocacy Center. Ms. Harvey was instrumental in starting the center.

September 28, 2005

Did You Know??

A property OAG acquired by eminent domain for the purpose of the elimination of slum and blight as part of the Mayor's Home Again Initiative, will be featured on the PBS program, **This Old House**. Filming at 1134 6th Street, NW starts next week!



CSSD
EXCEEDED
its FY 2005
Collection
Goal. Total
collections

were more than
\$63-million!!



Along with other members of the Ganag Intervention Partnership, OAG Juvenile Section AAG, Andrew Zirpoli, received the DC Superior Court CORO Award for outstanding service to the Latino Community.
CONGRATS!!



November 2005

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7 Open Enrollment Begins	8	9	10	11 Veteran's Day	12
13	14	15	16	17	18	19
20	21	22	23	24 	25	26
27	28	29	30			
						Thru Dec. 7, 2005

REMINDER!!!!

(Questions??? Call Janice Cager, Chief of Human Resources or a member of her staff)
Open Season will start on **November 7, 2005** and end on, **December 12, 2005**. During open season, eligible employees may enroll or change their present enrollment from one plan to another plan. **ONLY** those employees first employed by the District of Columbia government prior to October 1, 1987, are permitted to participate in the Federal Employees Health Benefits Program. Any employees wishing to enroll or make changes to their health benefits please see your liaison or myself for the form (SF-2809).



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The Office of the Attorney General for
the District of Columbia (OAG) handles
all suits instituted by or against the Dis-
trict of Columbia.



*Our condolences to Jacqueline Thompson and
Cassandra Motz on the loss of their loves
ones.*

Congratulations to AAG Kathy Charles and
husband Claudius on the birth of their
daughter, Ashley Simone Christian, born
9/1/05.

Congratulations to Jennifer Longmeyer-
Wood and husband Christian on the birth of
Alexandra Olivia Wood on 7/2/05.